

IN RE: PETITION FOR ZONING VARIANCE  
N/S Grovehill Road, 235' W of  
the c/l of Chelwynd Road  
(928 Grovehill Road)  
13th Election District  
1st Councilmanic District

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 88-340-A

Anthony J. Scardapane, Sr.  
Petitioner

#### MEMORANDUM AND ORDER

The Petitioner herein requests variances to permit an accessory structure (carport) to comprise 64% of the yard area in lieu of the maximum permitted 40%; a rear yard setback of 11 feet to the centerline of an alley in lieu of the required 15 feet; and side yard setbacks of 0 feet in lieu of the required 2.5 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. No Protestants appeared at the hearing.

Based upon the testimony and evidence presented at the hearing, it is the opinion of the Zoning Commissioner that the relief requested with respect to the 11' rear yard setback sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that this particular variance would adversely affect the health, safety, and/or general welfare of the public. However, in the opinion of the Zoning Commissioner, it does not appear that strict compliance with the B.C.Z.R., with respect to the accessory structure comprising 64% of the yard area and the 0-foot side yard setbacks, would result in practical difficulty and/or unreasonable hardship upon the Petitioner and therefore, these variances should be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Zoning Commissioner, the Petition for Zoning Variance should be granted, in part.

#### "DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., February 11, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 11, 1988

THE JEFFERSONIAN,

Sharon Sanders Obriant  
Publisher

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 13th Date of Posting 2-11-88

Posted for: Anthony J. Scardapane, Sr.

Petitioner: Anthony J. Scardapane, Sr.

Location of property: N/S of Grovehill Road, 235' W of the c/l of Chelwynd Road (928 Grovehill Road)

Location of Signs: Along front of 928 Grovehill Road

Remarks: See above

Posted by: A. J. Scardapane, Sr. Date of return: 2-12-88

Number of Signs: 1

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of March, 1988 that variances to permit an accessory structure (carport) to comprise 64% of the yard area in lieu of the maximum permitted 40%, and side yard setbacks of 0 feet in lieu of the required 2.5 feet, be and are hereby DENIED; and,

IT IS FURTHER ORDERED that a variance to permit a rear yard setback of 11 feet to the centerline of the alley in lieu of the required 15 feet, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines  
Zoning Commissioner of Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING  
Date 3/15/88  
By Patuxent Publishing Co.

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-340-A  
Petition for Zoning Variance  
N/S Grovehill Road, 235' W of Chelwynd Road (928 Grovehill Road)  
13th Election District  
1st Councilmanic District  
Petitioner: Anthony J. Scardapane, Sr.  
DATE: Tuesday, March 8, 1988 at 9:00 a.m.  
"FOR SHOW DATE CALL 494-3553"

Variance to permit accessory structure comprising 64 percent of yard area in lieu of the required 40 percent. Also, permit a rear yard setback of 11 feet in lieu of the required 15 feet. Also, permit side setbacks of 0 feet in lieu of the required 2.5 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be in writing and received in this office by the date of the hearing or shown or presented at the hearing.

J. Robert Haines  
Zoning Commissioner of Baltimore County

806-A Feb 11

#### Office of PATUXENT Publishing Company

10750 Little Patuxent Pkwy  
Columbia, MD 21044

February 17, 1988

THIS IS TO CERTIFY, that the annexed advertisement of

Notice of Hearing

was inserted in the following:

- ☐ Catonsville Times ☐ Booster Weekly  
☐ Arbutus Times ☐ Owings Mills Flier  
☐ Reporter Weekly ☐ Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for two successive weeks before the 11th day of February, 1988 that is to say, the same was inserted in the issues of

February 11, 1988

PATUXENT PUBLISHING COMPANY  
By Patuxent Publishing Co.

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

CERTIFICATE OF PUBLICATION OF

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

88-340-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 & 400.2, to permit accessory structure comprising 64 percent of yard area in lieu of the required 40 percent. Also, permit a rear yard setback of 11 feet in lieu of the required 15 feet to centerline of alley; and permit side setbacks of 0 feet in lieu of the required 2.5 feet of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Due to adverse health conditions, IIM i.e., arteriosclerotic heart disease, high blood pressure, and back ailment; two auto carport is needed to protect vehicles from inclement weather.

MAP NO.	24
E.D.	138
DATE	3-15-88
FILE NO.	88-340-A
BY	JRH

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition. \$-0.00

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Anthony J. Scardapane, Sr.

(Type or Print Name)

Signature

(Type or Print Name)

Anthony J. Scardapane

Signature

928 Grovehill Rd. 212-5019

Address

ARbutus, Md. 21227

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

212-5019

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of December, 1987 that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106 of the County Office Building in Towson, Baltimore County, on the 8th day of March, 1988, at 9 o'clock

A.M.

J. Robert Haines

Zoning Commissioner of Baltimore County.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3553

J. Robert Haines  
Zoning Commissioner

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-340-A  
Petition for Zoning Variance  
N/S Grovehill Road, 235' W of Chelwynd Road (928 Grovehill Road)  
13th Election District - 1st Councilmanic District  
Petitioner: Anthony J. Scardapane, Sr.  
DATE/TIME: MARCH 8, 1988 at 9:00 a.m.

Variance to permit accessory structure comprising 64 percent of yard area in lieu of the required 40 percent. Also, permit a rear yard setback of 11 feet in lieu of the required 15 feet to centerline of alley; and permit side setbacks of 0 feet in lieu of the required 2.5 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be in writing and received in this office by the date of the hearing or shown or presented at the hearing.

ALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE-REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

No. 45673

DATE

AMOUNT

RECEIVED ON

AMOUNT

RECEIVED FROM

FOR

VALIDATION OR SIGNATURE OF CARRIER

March 15, 1988

Mr. Anthony J. Scardapane, Sr.  
928 Grovehill Road  
Arbutus, Maryland 21227

RE: Petition for Zoning Variance  
N/S Grovehill Road, 235' W of the c/l of Chelwynd Road  
13th Election District; 1st Councilmanic District  
Case No. 88-340-A

Dear Mr. Scardapane:

Enclosed please find the decision rendered in the above-referenced case. The Petition for Zoning Variance has been granted, in part, and is subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

J. Robert Haines  
Zoning Commissioner of Baltimore County

JRH:bjs

Enclosures

cc: Mr. & Mrs. Joseph W. Rauwer

926 Grovehill Road, Baltimore, Md. 21227

Mr. Janice Gettler and Family

930 Grovehill Road, Baltimore, Md. 21227

People's Counsel

File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3553

J. Robert Haines  
Zoning Commissioner

December 14, 1987

MAR 02 1988

Mr. Anthony J. Scardapane, Sr.  
928 Grovehill Road  
Arbutus, Maryland 21227

RE: Anthony J. Scardapane, Sr.  
N/S Grovehill Road, 235' W of Chelwynd Road (928 Grovehill Road)  
Petition for Zoning Variance  
Case No. 88-340-A

Dear Mr. Scardapane:

Please be advised that the fee is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property, nor the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 50285

DATE

AMOUNT

RECEIVED FROM

FOR

VALIDATION OR SIGNATURE OF CARRIER



# TECHNICAL DESCRIPTION

Beginning on the north side of Grove Hill Road, 60 feet wide at the distance of 235 feet & west of the centerline of Chelwynd Road being lot 9, Block D in the subdivision of Huntsmoor Village, Section 2, Book #30, Folio 37, also known as 928 Grovehill Road in the 13th District.

ADAM M. SONNEZ, MD  
CATONVILLE MEDICAL CENTER  
501 N. ROLLING ROAD  
BALTIMORE, MARYLAND 21204  
741-4222

July 29, 1987

TO WHOM IT MAY CONCERN:

Re: Mr. Anthony Scardapane  
928 Grovehill Road  
Baltimore, Md. 21204

Mr. Anthony Scardapane, a patient of mine, has been known Arteriosclerotic Heart Disease. I advised him no excessive physical work and shoveling.

Sincerely,  
Adam M. Sonnez, M.D.

PETITIONER'S  
EXHIBIT 1

88-340-A

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 29th day of December, 1987.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: Anthony J. Scardapane, Sr. Received by: James F. Dyer  
Petitioner's Attorney: Chairman, Zoning Plans Advisory Committee

File Department  
Towson, Maryland 21204-2586  
494-4800

Paul H. Reincke  
Chief

December 15, 1987

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Md. 21204

Re: Property Owner: Anthony J. Scardapane, Sr.

Location: N/S Grovehill Rd., 235' W. c/ Chelwynd Rd.

Item No.: 194

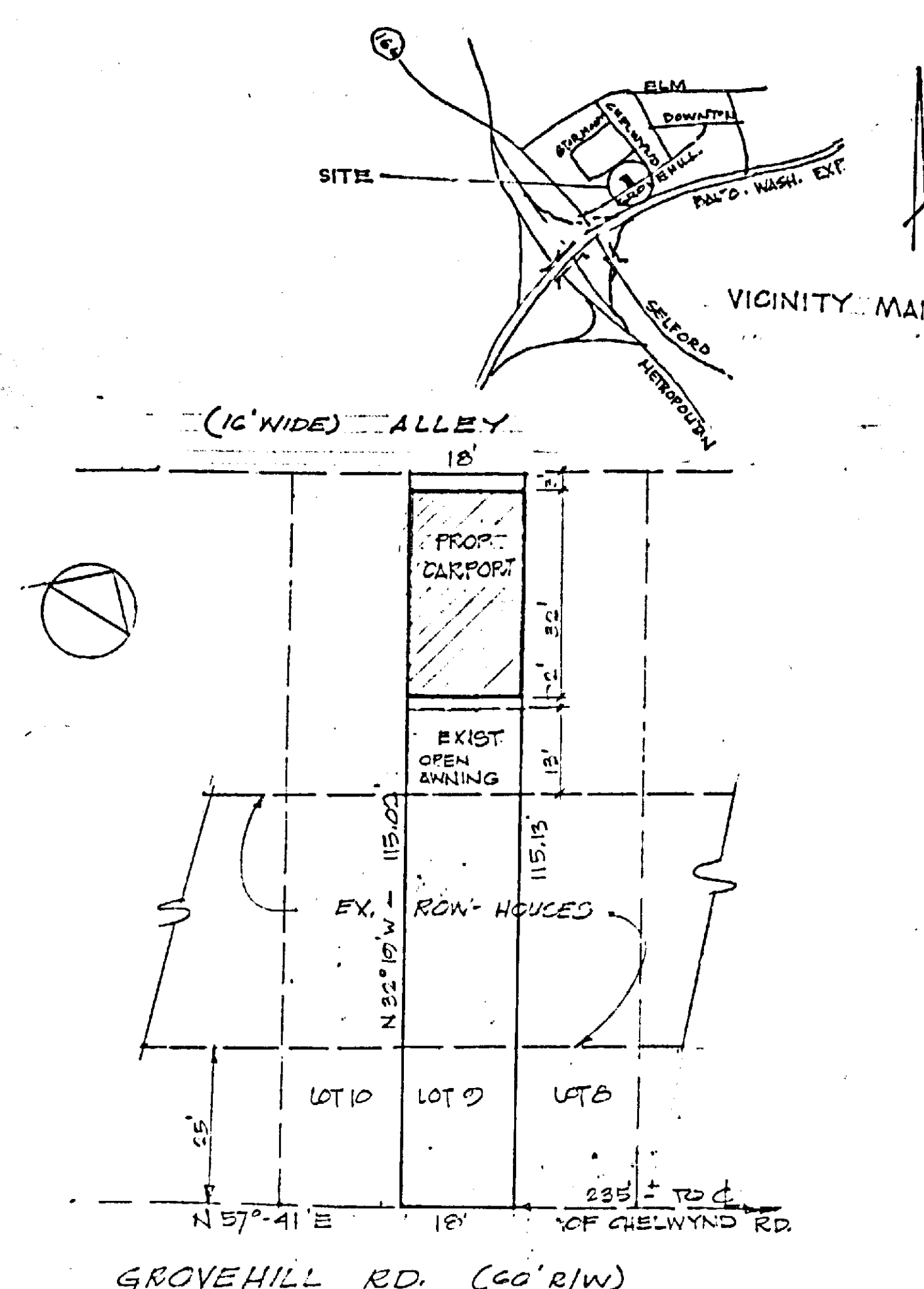
Zoning Agenda: Meeting of 12/8/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. A 3' clear passageway shall be provided between property line & carport for fire dept.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John F. O'Neill Noted and Approved: John F. O'Neill  
Planning Group Fire Prevention Bureau  
Special Inspection Division



PLAT FOR ZONING VARIANCE  
OWNER: ANTHONY J. SCARDAPANE SR.  
DISTRICT - 13 EX. ZONING - DR 10.5  
HUNTSMOOR VILLAGE, SECTION 2  
LOT 9, Bk. D, Book No 30, Folio 37  
EXISTING UTILITIES IN GROVEHILL RD.  
SCALE: 1" = 20' : LOT SIZE - 2,070 sq. ft.

February 29, 1988

Office of Zoning  
111 West Chesapeake Avenue  
Baltimore, Maryland 21204

RE: Case # 340-A

Dear Sir:

My family and I have lived at 930 Grovehill Road for over 21 years. We have had very little trouble with neighbors in all those years. People do things to their homes that you are sometimes not pleased with, but I'm sure we've done things to ours that some people didn't like. A year or so ago, our next door neighbors at 928 Grovehill Road commented their entire back yard. No one in the neighborhood liked the way it looked, but it was there before we could voice my opinion. Because of overcrowded parking out front, a lot of people have had parking pads put down the bottom of their backyard, but one one else commented their entire back yard. I look out my back window and all I see are cars. Now these same people are trying to have the zoning changed so that they can put a carport over this entire parking lot. Besides the fact that this carport will block all sun from our backyard, I don't think this sort of structure belongs in a row house development. As I said before, there are plenty of parking pads in our neighborhood, but no one else has presumed to put up a carport or garage.

We sincerely wish that we could attend the zoning hearing set for March 8, 1988, but because of work and school obligations, none of us can attend this hearing. We hope this letter serves as our official objection to this project that our neighbors are planning to undertake.

Thank you for taking the time to read our complaints.

Sincerely,

*Janice Gottier & Family*  
Janice Gottier & Family  
430 Grovehill Road  
Baltimore, Maryland 21227  
(301) 242-2914

RECEIVED  
MAR 1 1988  
ZONING OFFICE

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

December 21, 1987



Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 194, 195, 196, 197, 198, 199, 201, 202, 203, 204, and 205.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF:mb

RECEIVED  
JAN 20 1988

ZONING OFFICE

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 25, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000

Mr. Anthony J. Scardapane, Sr.  
928 Grovehill Road  
Arbutus, Maryland

RE: Item No. 194 - Case No. 88-340-A  
Petitioner: Anthony J. Scardapane, Sr.  
Petition for Zoning Variance

Dear Mr. Scardapane:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James F. Dyer*  
JAMES F. DYER  
Chairman  
Zoning Plans Advisory Committee

ENCLOSURE

Enclosures

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
TO: Zoning Commissioner  
P. David Fields  
FROM: Director of Planning and Zoning  
SUBJECT: Zoning Petition No. 88-340-A

Date: February 29, 1988

RECEIVED  
MAR 1 1988  
ZONING OFFICE

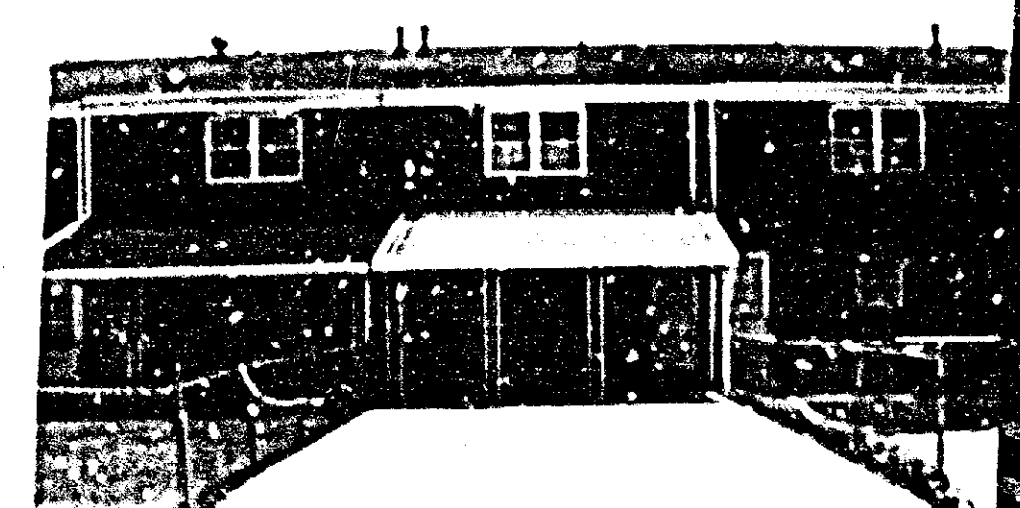
There are no comprehensive planning factors requiring comment on this petition.

*P. David Fields*  
P. David Fields  
Director

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel  
File

*Petitioner's Exhibit #2*



Joseph W. Rausser  
Marie Rausser  
926 Grovehill Road  
Baltimore, Maryland 21227

February 29, 1988

RECEIVED  
MAR 2 1988  
ZONING OFFICE

Mr. J. Robert Haines  
111 W. Chesapeake Avenue  
Room 109  
Towson, Maryland 21204

Re: Case No. 88-340-A

Dear Sir:

We have lived in our Huntsmoor townhouse at 926 Grovehill Road since 1966. Our home falls inside of a group of 8 homes as does our next door neighbors house at 928 Grovehill Road. Our homes are 12' long, 18' wide with a 50' long rear yard.

We have very nice neighbors next door but we are greatly concerned about their proposed zoning change to build a carport in their back yard. In a conservative townhouse community such as Huntsmoor, it is essential that homogeneity be maintained within reasonable limits. We feel that our next door neighbors have already exceeded these limits by cementing their whole yard nearly two years ago.

Now they want to cover nearly their entire yard with a structure that vastly contrasts with the construction style of Huntsmoor and will, in a sense, "stick out like a sore thumb." We feel that this structure, if permitted, would have a negative perceptual effect on adjacent homes, and also devalue the value of these homes. Our home, in particular, would be most affected since we, as next door neighbors, would be faced with this most unusual, monstrous structure directly next door to us.

Therefore, we believe the zoning change proposed by our neighbors should be denied by the Zoning Commission.

We would like to be present at the meeting but we are both scheduled to work on that date and hope that this letter will be sufficient in voicing our opinion.

Sincerely,

*Joseph W. Rausser*  
Joseph W. Rausser  
Marie Rausser